



Republic of the Philippines
 DEPARTMENT OF AGRICULTURE
 Regional Field Unit No. 12
 Regional Center, Carpenter Hill, Koronadal City
 BAC Secretariat Office Tel. / Fax No. 083-2283411

ITB Reference No. 3632380
 Contract No. 2016-0011

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered this day of JUN 17 2016 by and between the **DEPARTMENT OF AGRICULTURE, REGIONAL FIELD OFFICE 12, KORONADAL CITY**, represented by the **Regional Executive Director, AMALIA J. DATUKAN, MBA** hereinafter called the **First Party** and **FILHOLLAND CORPORATION** with principal address at **Baloy Highway, Tablon Cagayan De Oro City**, represented by its **Authorized Representative, EARL DON NERI MAASIN**, hereinafter called as the **Second Party**;

Whereas, the **First Party** has a procurement of **Twenty-Two (22) units 4WD Tractor with Complete Accessories** under the **90/10% sharing scheme** with the **Approved Budget for the Contract of Fifty-Five Million Pesos (Php55,000,000.00)** representing the **100%** amount of the project;

Whereas, a public bidding was conducted on February 3, 2016 with three (3) participating bidders where in **Filholland Corporation** won the bidding and was awarded the **supply and delivery of Twenty-Two (22) units 4WD Tractor with Complete Accessories** in the amount of **Fifty-Two Million Four Hundred Thirty-Two Thousand Six Hundred Sixty-Five Pesos and 56/100 (Php52,432,665.56)**, representing the **100%** amount of the project;

Whereas, the project shall be on **90/10% scheme wherein the Ninety percent (90%) amount of the project** shall be paid by the procuring entity as **DA's counterpart** and the **Ten percent (10%)** of the total amount shall be the **recipient's equity** as shown below:

	(100%)	(90%)	(10%)
Total Cost	Php 52,432,665.56	47,189,399.00	5,243,266.56
Unit Cost	2,383,302.98	2,144,972.68	238,330.30

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Forty-Seven Million One Hundred Eighty-Nine Thousand Three Hundred Ninety-Nine Pesos (Php47,189,399.00)** at **Two Million One Hundred Forty-Four Thousand Nine Hundred Seventy-Two Pesos and 68/100 (Php2,144,972.68)** per unit for the supply of those goods to the **Second Party**, representing the **90%** amount of the project which shall be completely delivered within **Ninety (90) calendar days** at **DA-CEMIARC, Bololmala, Tupi, South Cotabato** upon receipt of the approved Notice to Proceed with the following specifications, to wit:

ENGINE HORSEPOWER:

- New Holland TD5.95, 65.6KW (88 HP) rated power, turbo charged with intercooler
- Fully independent
- Fully hydrostatic
- 12 x 12 fully synchromesh
- Gear reduction type
- Position hydraulic draft position control

Contract for supply and delivery of Twenty-Two (22) units 4WD Tractor with Complete Accessories
 Php 52,432,665.56 100%
 Php 47,189,399.00 90%
 Php 5,243,266.56 10%
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PTO POWER:

- Based on AMTEC Test Report No. 2013-43 it has a 62.6 KW PTO Power which is 95.43% of the rated power
- 540/1000 rpm speed
- 292.6 g/KW-H
- Attached manual for NEW HOLLAND TD5.90
- Aero dynamic type
- With standard bumper and rear weight
- Brake system: hydraulic wet
- Materials and component: All brand new
- Warranty: 3 years on parts and services (excluding consumable parts)
- Safety requirements: ROPs, seatbelt and PTO shaft casing
- With standard accessories

IMPLEMENTS:

- 24 x 4 pcs disc plough
- 24 x 18 pcs trailing harrow
- With DA and Agri-Pinoy logo and body number (outdoor stocker with cellophane, 10" diameter)

NOW THEREFORE, for and in consideration of the following premises, the parties hereto agreed as follows:

1. The following documents shall be deemed to form and be interpreted/construed as part of this agreement, viz:

- (a) Funded and Approved Purchase Request;
- (b) Advertisement;
- (c) Approved Notice of Award;
- (d) Performance Bond;
- (e) Bid form and the Price schedule submitted by the bidder;
- (f) Schedule of requirements;
- (g) Abstract of Bids for Bid project;
- (h) Resolution of the Bids and Awards Committee as the case may be; and
- (i) Other pertinent documents as may be reasonable required by the First Party.

2. The **First Party** hereby covenants to pay the **Second Party** in consideration of the provision of the goods and services and the remedying of defects therein, the Contract Price or such other sum as may become payable under the provisions of the contract at the time and in the manner prescribed by the contract.

3. The obligation of warranty shall be covered by retention money, in an amount equivalent to ten percent (10%) of the total contract price, or a bank guarantee in a form of an irrevocable stand-by letter of credit.

4. The **Second Party** hereby agrees to give demo and trainings for the recipients and testing of the equipment shall be undertaken on the delivery site for two weeks or one month continuous operation before payment shall be made;

5. Should the **Second Party** incurred delay, Section 68, Rule XXII of RA 9184, partly states, "Xxx. The amount of the liquidated damages shall be at least equal to one tenth (1/10) of one percent (1%) of the cost of the unperformed portion for every day of delay. Xxx";

6. Other provisions of RA 9184 and its IRR not stipulated in this contract are deemed applicable; and

Contract for supply and delivery of Twenty-Two (22) units 4WD Tractor with Complete Accessories

Php 52,432,665.56 100%

Php 47,189,359.00 90%

Php 5,243,266.56 10%

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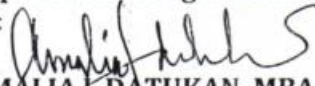
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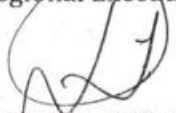
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7. This agreement shall be valid and binding upon approval of both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

Department of Agriculture XII


By: 
AMALIA J. DATUKAN, MBA
 Regional Executive Director


RAY H. EMBAJADOR
 APP Cereal Focal Person

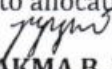
Filholland Corporation

By: 
EARL DON NERI MAASIN
 Authorized Representative


Reviewed and Witnessed by:


CARLENE C. COLLADO, CPA
 BAC Chairman

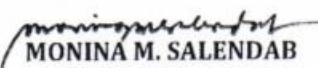
OK as to allocation of funds:


RAKMA B. BUISAN
 Regional Budget Officer

Funds Available:


ANNA MAE A. SIDEÑO
 Administrative Officer V /
 Regional Accountant

Prepared by:


MONINA M. SALENDAB
 Head, BAC Secretariat

ACKNOWLEDGMENT:

Republic of the Philippines)
 City of Koronadal) SS

Before me, a notary public for Koronadal City personally appeared the following:

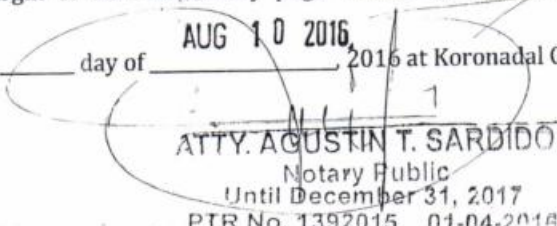
NAME	Res. Cert.	Issued at	Issued on
1. AMALIA J. DATUKAN, MBA	1095321	Koronadal City	January 20, 2016
2. EARL DON NERI MAASIN			

Known to me to be the same persons who executed the foregoing documents and acknowledged that the same are their voluntary acts and deeds.

This instrument consists of three (3) pages including this page in which the acknowledgement is written, and signed in the left hand margin of each and every page thereof by parties and their witnesses.

Witness MY HAND AND SEAL, this 10 day of AUG 10 2016, 2016 at Koronadal City.

Doc No. : 231
 Page No. : 47
 Book No. : XIV
 Series of 2016


ATTY. ACUSTÍN T. SARDIDO
 Notary Public
 Until December 31, 2017

Contract for supply and delivery of Twenty-Two (22) units 4WD Tractor with Complete Accessories
 Php 52,432,665.56 100%
 Php 47,189,399.00 90%
 Php 5,243,266.56 10%
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PTR No. 1392015 01-04-2014
 PTR No. 1013351 01-11-2013
TIN No. 155-058-755